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C O N F I D E N T I A L SECTION 01 OF 03 AMMAN 001358

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SUBJECT: IRAQI POLITICAL FIGURES SEEK COMMON GROUND ON
CONSTITUTION-DRAFTING AT JORDAN MEETING

Classified By: CHRISTOPHER HENZEL, CHARGE D'AFFAIRES, REASONS: 1.4 (B & D)

Summary

1. (C) A two-day, U.S. NGO-sponsored "Iraq Constitution Roundtable" was held at an Amman-area hotel on February 14-15. Approximately twenty Iraqis including prominent behind-the-scenes political figures and representing most strands of Iraqi political opinion attended the conference, which focused almost entirely on discussion of modalities for drafting Iraq's new Constitution. Despite sometimes heated discussion, Iraqi and NGO sources unanimously praised the event as a valuable opportunity to exchange views and "meet each other face-to-face." A set of informal "recommendations" on the structure and duties of the future Constitutional Drafting Committee was approved by the attending Iraqis and is summarized in paragraph #12 below). Key aspects include authorization by the National Assembly of a Drafting Committee representative of Iraqi society, and including Assembly members and non-members. During a side-discussion at the final dinner Jaffari advisor asked Emboff for help in contacting prominent Amman-based Sunnis, stressed the "differences" between Jaffari and Hakim, and said that (presumed) incoming Prime Minister Jaffari will need extensive USG political and economic assistance over the months to come. End Summary.

Lively Meeting at the Dead Sea

2. (C) The U.S. Institute of Peace (USIP) and the ABA jointly sponsored an Iraq Constitution roundtable in Jordan from February 14-15. The roundtable included 21 Iraqis, as well as several UN officials, an NDI observer, and USIP/ABA staff. The Iraqi contingent included figures from several parties and factions within Iraq, including prominent advisors to Sistani and Jaffari, six newly-elected National Assembly members, legal experts who are likely members of the Constitution drafting committee, Sunni boycotters, and politically-active representatives of the Kurdish, Turkomen, and Assyrian minorities. The DAWA, Allawi, and Pachachi groupings sent two or more representatives, other groups (including SCIRI and the Islamic party) sent one (see paragraph # for a complete list of Iraqi attendees and related comments). While not included in the roundtable per se we were invited by the organizers to the final dinner, and used the opportunity to mix with attendees and organizers to garner reactions to the event and informally discuss Iraq political development with the attendees.

3. (C) The two-day agenda was designed by USIP/ABA to focus on Constitution drafting procedures only, and we understand that ABA facilitators intervened at points when discussion threatened to shift to the acceptability to Arabs of a Kurdish president and similar off-focus topics. Both attendees and organizing staff told us that they found most of the (sometimes heated) discussions and ability to meet face-to-face extremely useful, and all of the 9-10 Iraqis that we spoke to said that they valued the experience and looked forward to participating in future such gatherings.

4. (C) We also heard that there was extensive give-and-take at the conference on issues relating to the role of the National Assembly vis a vis the Constitutional Drafting Committee. For example, we were told, some Shiite attendees argued that the Constitutional drafting commission should be made up largely or completely by National Assembly members, to which some Sunni participants riposted by denying any relationship between the two bodies, and warning that it would usurp (non-participating) Sunni rights if Assembly members try to create one. The conclusion of this encounter was a consensus that the National Assembly has a role in authorizing the Drafting Committee, but that its actual composition should be a broad-based hybrid of Assembly members and non-members that is recognizably representative of Iraqi society as a whole (see paragraph #12). We also understand that there was some emotional discussion cutting across factional groups over whether and what kind of international advice or assistance on Constitution drafting should be accepted. Several Iraqi attendees reportedly argued for rejecting such assistance should be rejected, or limiting it to responses to requests for specific comparative

information that may emerge from the Drafting Committee.

Approach from DAWA

15. (C) During our informal conversations with 9-10 Iraqi attendees at and after the final dinner we were approached with requests by several Iraqis and picked up a mosaic of private views and vignettes. For example, Dr. Abdul Amir Al-Zahid Salih, reportedly a close friend and advisor to Vice-President Jaffari, asked for a side meeting during which he energetically requested our help in putting him into contact with prominent Sunni figures currently in Amman. In this context he stated that Dr. Jaffari is notionally willing to personally contact prominent Sunnis such as the above and invite them to join and/or identify nominees for the Constitutional Drafting Committee.

16. Dr. Abdul also asserted that Jaffari (whom he said will be the next PM) is eager to encourage and facilitate constructive private investment projects in Iraq that might be undertaken by Iraqi entrepreneurs. We told him we are encouraging active political participation by these Sunnis and will be happy to facilitate DAWA and other party contacts with them through Embassy Baghdad, but warned him that while desirous of entering the political process these Sunnis have many suspicions and political challenges that will need to be addressed. (Comment: In the past the al-Gaaid, and other Sunnis here have frequently characterized Dr. Jaffari as an Iranian agent who frequently withholds comments in government meetings pending instructions from Iran. They cite current Defense Minister and Yawwar list member as their source for this supposed insight. Nonetheless, we believe they may be willing to give Jaffari and DAWA a hearing. End Comment.)

Jaffari Wants Our Help

17. (C) During this side chat Dr. Abdul also stressed that Dr. Jaffari is very different from SCIRI leader Hakim, in that Jaffari is pro-growth, pro-modernization, tolerant, and pro-American. He added that (unlike Hakim) Dr. Jaffari left Iran because he didn't agree with its system. In this context, he asked that the USG support Dr. Jaffari and specifically help him in providing and upgrading basic utilities and services, without which maintenance of stability in Iraq in coming months may be difficult. We assured Dr. Abdul that the USG looks forward to working closely and constructively with whomever the Iraqis choose to be the next Prime Minister.

Iraqi Secularists: Cognitive Dissonance?

18. (C) Our dinner companions included successful Allawi list candidate (and secular Shia) Rajaa Habib al-Khuzai; current Minister of Women's Affairs Narmin Othman; and Legal Advisor to the Ministry, Faiza Babakhan both Kurds. Al-Khuzai, the leading woman on Allawi's list, expressed general optimism about the future and related several instances of Allawi's efforts since the election to promote reconciliation among the disparate political groups. For example, she said that she was present at an outreach meeting in Allawi's office the day after the election that included Dr. Jaffari, leaders from the Islamic Party, Adnan Pachachi, and other prominent Sunnis including several boycotters. She related that the next day Allawi had lunch with Sunni rejectionist figure Harith al-Dhari and two DAWA representatives. Al-Khuzai regretted Sunni non-participation in the election, but noted as a hopeful sign that despite having every advantage, the Sistani list was unable to receive even 50 percent of the vote.

19. (C) In seeming contradiction to her otherwise upbeat outlook, al-Khuzai confidently asserted that the Sistani list is led by people who will work for Iran because they love Iran more than Iraq and claimed that Iran had spent \$700 million on the election and sent about 500,000 Iranians to in it. The listening Kurdish women said nothing but nodded at al-Khuzai's remarks. Al Khuzai then asserted as something sinister that in addition to the PM position the Sistani list is requesting the Ministries of Health, Education, Youth, and Women's Affairs. Alleging that the Sistani group is too clever to get bogged down in the security, trade, or services Ministries, she argued that this (alleged) request reveals their true goal, social control. At the same time as painting this seemingly scary monolithic picture, al-Khuzai confidently predicted that the DAWA and SCIRI factions will soon become absorbed by their own mutual power struggle.

Request for Help on Federalism Issues

10. (C) We were also approached by head of the &Iraq Constitution Society8 Mo,amer al Kubaisi. We understand that Al Kubaisi is a prominent jurist and Pachaci associate who participated in the writing of the TAL and is a member of a well-known al-Anbar family. ABA organizers described him as a probable &Constitution-drafter.8 Al-Kubaisi noted that the Federalism issues will play a prominent role in the upcoming Constitutional discussions, and asked for help in accessing U.S. and other relevant foreign legal theory and history relating to this topic.

Constitution Roundtable: Closing Recommendations

11. (C) The ABA staff (protect) has provide us with their unofficial internal summary of the two-day event and including the &closing recommendations8 approved by the Iraqi attendees. We will forward the complete text by email to Embassy Baghdad and NEA/I; key points are summarized in paragraph #12 below.

12. (C) According to this document, the Iraqis agreed that the Constitution-making process should be open, transparent, and inclusive; that the National Assembly should appoint a Constitutional Drafting Committee to include Assembly members representing its various political factions &as well as members of civil society and from those constituencies not represented in the National Assembly.8 Pursuant to this, the &closing recommendations8 text provided by ABA states that the task of the Constitutional Drafting Committee should be to:

- Conduct a widespread public education program on the constitutional process;
- Broadly consult the Iraqi public to solicit their views and suggestions;
- Receive drafts of the Constitution or relevant papers submitted by any individual or organization;
- Prepare a consolidated draft of the Constitution for consideration by the National Assembly; and
- Following adoption of a draft by the National Assembly, conduct a program of public education so that the Iraqi people can understand the proposed constitutional text prior to the national referendum.

HALE